

AMENDED IN SENATE MAY 1, 2006
AMENDED IN SENATE APRIL 6, 2006

SENATE BILL

No. 1320

Introduced by Senator Cedillo

February 16, 2006

An act to add and repeal Section 1203.077 of the Penal Code, relating to probation.

LEGISLATIVE COUNSEL'S DIGEST

SB 1320, as amended, Cedillo. Probation: Los Angeles County restrictions.

Existing law generally establishes probation and generally authorizes courts to fashion probation conditions as necessary.

This bill would require courts to impose as a condition of probation for persons serving probation in the County of Los Angeles, ~~subject to exception,~~ for persons convicted of certain narcotics *and drug* offenses, a requirement that the person ~~not be physically present in~~ *enter* a specified area generally known as "skid row" in downtown Los Angeles *for any unlawful purpose*. The bill would provide that these provisions would be repealed on January 1, 2010.

By increasing the burden on local probation authorities, this bill would create a state-mandated local program.

The bill would also state findings and declarations relative to the measure.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares the
2 following:

3 (a) Due to the size of Los Angeles County and its 88 cities, the
4 volume of people being processed at the Los Angeles Central Jail
5 in downtown Los Angeles is enormous, and presents a unique
6 local situation in regard to persons on probation for certain
7 narcotics offenses.

8 (b) The central jail is the point from which all inmates are
9 released, regardless of where they were arrested in the county,
10 thus releasing hundreds of people every day into the “skid row”
11 neighborhood in downtown Los Angeles, near the central jail.
12 This influx of people has increased drug trafficking and
13 complicated rehabilitation efforts of service providers
14 concentrated in the skid row area, and has created an
15 overwhelming public safety issue.

16 (c) Between January 1, 2005, and November 17, 2005,
17 inclusive, there were 4,149 narcotics arrests in the skid row area.
18 The volume of drug related activity around ~~recovery~~ recovery
19 programs diminishes the success of these programs and frustrates
20 the efforts of service providers in skid row.

21 (d) Substance abusers seeking rehabilitation services are
22 extremely vulnerable to further drug use when released from the
23 Los Angeles Central Jail. The persons seeking treatment are
24 solicited by drug dealers as they walk through skid row to enroll
25 in or attend drug rehabilitation programs located there. This
26 challenge is present for other individuals seeking enrollment or
27 who are residing in a treatment program located in skid row.

28 (e) It is in the interest of the people who live in the skid row
29 neighborhood and to persons participating in recovery programs
30 to ensure that persons on probation for drug related crimes do not
31 remain in the skid row area and prey upon people in recovery.

1 The importance of this condition of probation serves as an
2 essential component to the efforts by local police officers and
3 service providers in diminishing the sale and use of narcotics in
4 skid row.

5 SEC. 2. Section 1203.077 is added to the Penal Code, to read:

6 1203.077. (a) The court shall impose, as a condition of
7 probation for any person convicted of a violation of Section
8 11351 or 11352 of the Health and Safety Code ~~as it relates they~~
9 ~~relate~~ to selling narcotics, ~~or a conviction for selling~~
10 ~~methamphetamine in violation of Section 11379 of the Health~~
11 ~~and Safety Code~~, and serving probation in the County of Los
12 Angeles, ~~restrictions to prevent the presence of the person in that~~
13 ~~the person may not enter~~ the zone bordered by Third Street to
14 Seventh Street, inclusive, and by Main Street to Alameda Street,
15 inclusive, in the City of Los Angeles, ~~for any unlawful purpose~~
16 during the duration of probation.

17 ~~(b) The court may grant exceptions to the prohibition in~~
18 ~~subdivision (a) in the following cases:~~

19 ~~(1) Where the probationer has been ordered by the court to~~
20 ~~enroll in mental health or drug rehabilitation services, or is~~
21 ~~currently enrolled in those services, and the services are located~~
22 ~~within the exclusion zone described in subdivision (a):~~

23 ~~(2) Where the probationer resides in the exclusion zone and it~~
24 ~~would be unreasonable to require him or her to obtain other~~
25 ~~housing:~~

26 ~~(3) Where services essential to the probationer are available~~
27 ~~only in the exclusion zone:~~

28 ~~(4) In other instances where the court finds that the interests of~~
29 ~~justice require an exception:~~

30 ~~(e) The probationer may also obtain an exception to the~~
31 ~~prohibition in subdivision (a) if the probationer's probation~~
32 ~~officer grants the probationer permission to enter the exclusion~~
33 ~~zone for a specific purpose or reason:~~

34 ~~(d) Any exception or permission granted under subdivision (b)~~
35 ~~or (e) shall be narrowly tailored to satisfy the legitimate needs of~~
36 ~~the probationer and to further to the extent possible the need to~~
37 ~~exclude persons who have sold drugs from areas of high drug~~
38 ~~trafficking. Accordingly, the court may grant exceptions, and the~~
39 ~~probation officer may grant permission, for limited times and for~~
40 ~~limited portions of the exclusion zone:~~

1 ~~(e)~~

2 ~~(b)~~ A violation of subdivision (a) shall constitute a violation of
3 the terms of probation.

4 ~~(f)~~

5 ~~(c)~~ This section shall remain in effect only until January 1,
6 2010, and as of that date is repealed, unless a later enacted
7 statute, that is enacted before January 1, 2010, deletes or extends
8 that date.

9 SEC. 3. If the Commission on State Mandates determines that
10 this act contains costs mandated by the state, reimbursement to
11 local agencies and school districts for those costs shall be made
12 pursuant to Part 7 (commencing with Section 17500) of Division
13 4 of Title 2 of the Government Code.